

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

REGAN ROBERTS

Claimant

APPEAL NO: 10A-UI-09617-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA HOME CARE LLC

Employer

OC: 06-06-10

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 2, 2010, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 24, 2010. The claimant participated in the hearing. Adnan Fazal, Branch Manager and Teresa Welch, Director of Clinical Services, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time clinical supervisor for Iowa Home Care from March 4, 2009 to June 4, 2010. The employer asked the claimant to work six, 12-hour days in a row beginning June 3, 2010, to review charts after a mock inspection did not go well in that area. The claimant's father was being released from a care facility that weekend and she felt she needed to be home with him to make sure he was doing well enough to be without her. Additionally the claimant has post-polio syndrome and it is difficult for her to work that many hours that many days in a row. She began packing her office because she did not believe she could work that schedule. Branch Manager Adnan Fazal called the corporate office and asked if the claimant could work four hours Saturday and Sunday, June 5 and 6, 2010, and those hours were approved. The claimant started returning her belongings to her office when Mr. Fazal came in and said he was very unhappy with her performance and attitude. He stated she needed to provide him with an hour by hour detailed description of what she was doing on the job and she was not holding her "own weight" on the management team. Mr. Fazal also told her he would be watching everything the claimant did and the claimant was very uncomfortable. She said she did not think she could work with Mr. Fazal anymore and stated she needed to resign at that time because she would never have a good relationship with Mr. Fazal, could not do the job under those circumstances and could not work under the employer's expectations with regard to monitoring her work that closely and having her document everything she was

doing and notifying him every hour. The claimant repacked her belongings, turned in her company property and left the premises. The claimant had talked to the corporate office and human resources about Mr. Fazal's behavior toward the nurses and their differing managerial styles in the past to no avail.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The parties agree the claimant voluntarily left her job June 4, 2010. They disagree over what happened that caused her to leave. The claimant initially resigned because Mr. Fazal said she needed to work six 12-hour days in a row and she did not feel she could do so as her father was coming home from a care center that weekend and she suffers from a chronic health condition which makes working that many hours and days in a row very difficult. After the corporate office said she could work four hours Saturday and Sunday, June 5 and 6, 2010, she rescinded her resignation and returned her belongings to her office. While Mr. Fazal denies going into the claimant's office after that and having the conversation where he stated he was going to require her to update him on what she had done every hour among other items, there is no other explanation for the claimant deciding to quit again without an intervening act which was Mr. Fazal's conversation with her. The conditions set out by Mr. Fazal were unreasonable and would have made her working conditions intolerable and detrimental. Under these circumstances the administrative law judge must conclude the claimant voluntarily left her employment with good cause attributable to the employer as defined by Iowa law. Therefore, benefits are allowed.

DECISION:

The July 2, 2010, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs